

REMARKS

Reconsideration of the application is respectfully requested.

Claims 1, 2, 9-11, 27, 29, 44 and 45 stand rejected as being either anticipated or obvious in view of a number of references that will be reintroduced below in the order in which they have been stated in the Office Action. The claims have been amended to more clearly define that which Applicant regards as the invention, in view of the relied upon art references.

As an initial matter, however, Applicant notes that the claims have been permissibly broadened without introducing any new matter, by now referring to a *structure* rather than *building*. Support for this amendment can be found in the Specification as filed, including the title and in paragraph [0071] which states in relevant part, "In addition, the system may also be used in non-emergency situations, e.g. lifting or lowering heavy or bulky loads that do not fit into building elevators or may cause inconveniences for the tenants; and during construction modifications to avoid shifting long operations to nights or weekends. Also, some of the techniques described above in relation to buildings may be applied to certain other tall structures such as windmills and offshore oil platforms." Accordingly, no new matter has been added.

Turning now to the prior art rejections, independent claim 1 stands rejected as being anticipated by U.S. Patent No. 349,870 issued to Woodward ("Woodward"). In Woodward, the invention relates to a class of devices whereby persons and merchandise are taken from the windows of burning houses and lowered in safety to the ground. Woodward has a pair of guide wires (reference G) to be wound on a spool F when not in service. A wire K¹ is passed under a pulley P³ and be engaged with a spool P. By revolving the crankshaft in one direction, wire K¹ is wound upon the spool P. Revolving the upper spool J in a direction to windup the wire K¹ raises the car. Meanwhile, the wire T is paid off from the side of spool P opposite the wire K¹. The car is lowered by the reverse motion of the crankshaft O. In both cases, the wires G serve as guides to the car. Woodward, page 2, left hand column, lines 20-34 and lines 53-55.

It should be clear, however, that Woodward does not teach or suggest the use of *a traction winch around which a closed loop of cable is operatively installed to lift a load that is*

to be attached to the loop of cable, where the traction winch is located in the area next to a base of the structure to which the pulley is attached. A traction winch (or traction hoist) is a type of hoisting machine that does not accumulate the cable to which the load that is suspended is attached, on its hoisting drum or sheave. In Woodward, however, the wire K¹ will be wound upon the spool P ... thereby raising the car. Woodward does not teach does not teach or suggest the use of a traction winch as recited in Applicant's claim 1. Accordingly, it is respectfully submitted that Woodward does not anticipate claim 1.

As to claim 44, this claim was also rejected as being anticipated by Woodward. Applicant respectfully disagrees with the rejection, because Woodward does not teach or suggest a system that comprises a pulley attached to a structure and a closed loop of wire rope installed around the pulley and being of sufficient length to reach an area next to the base of the structure. Nevertheless, claim 44 has been amended to more particularly point out an aspect which the Applicant regards as the invention without introducing any new matter. In particular, claim 44 now recites a system comprising a pulley attached to a structure, a closed loop of wire rope installed around the pulley, a traction winch located in the area next to the base of the structure and through which the loop of wire rope is installed to lift a load that is to be attached to the loop of wire rope, and means, located in the area next to the base of the structure, for changing tension in the loop as installed, so as to move the attached load away from and closer to the structure. Applicant's Specification as filed gives several different possibilities for the claimed means for changing tension all of which are intended to be covered by this means plus function limitation. Woodward does not teach or suggest such a system.

Claim 44 also stands rejected as being anticipated by U.S. Patent No. 390,445 issued to Bruce ("Bruce"). In response, Applicant has amended claim 44 to distinguish Bruce. Bruce discloses a fire escape mechanism in which an endless rope F runs through a pulley block D that is secured to a frame of a window in the building, where the endless rope F passes down to the street at a suitable angle and around a deeply grooved wheel G. The system in Bruce is only designed to allow a person to descend on the rope, where the speed of descent is regulated by a person at the wheel exerting a pressure on the axle of the wheel. In other words, the wheel at the base of the building

in Bruce is only a brake mechanism. There is no suggestion that a traction winch be added to the system in Bruce so as to lift a load that is attached to the endless rope. Accordingly, reconsideration and withdrawal of the rejection of claim 44 is respectfully requested.

Independent claims 1 and 44 also stand rejected as being anticipated by the materials submitted by Applicant which refer to a hoisting system by Wahlefeld ("Wahlefeld"). Applicant believes that the system in Wahlefeld is similar to what is shown in U.S. Patent No. 411,281 issued to Jacobs ("Jacobs"). Jacobs uses a pair of separate ropes to control the lifting of a load. A load rope 2 is wrapped around a drum 6, while a traction rope 12 is wrapped around the drum of another winch. The winches used in Jacobs, in contrast to a traction winch, have a drum around which the cable is wound and accumulated. A drum winch has a different structure and operates on a different principle than a traction winch. Accordingly, Jacobs, and therefore Wahlefeld, does not teach or suggest the use of Applicant's traction winch as recited in claim 1.

It should also be noted that Wahlefeld (and Jacobs) do not teach or suggest a system in which a closed loop of cable is operatively installed around the pulley and to which the load is attached. It is respectfully submitted that there would be no reasonable suggestion to one of ordinary skill in the art to replace the twin winches of Wahlefeld and Jacobs, together with the twin ropes wound around them, with Applicant's claimed closed loop of cable and traction winch combination as recited in claim 1.

Next, independent claim 28 stands rejected as being obvious over Bruce in view of U.S. Patent No. 249,847 issued to MacDonald ("MacDonald"). Applicant respectfully disagrees with the rejection, because contrary to the position taken in the Office Action at page 2, it is submitted that Bruce does not teach or suggest the system in Applicant's claim 28, including *a pulley mounted on the roof or an upper level of a building, and a closed loop of cable connected around the pulley and a winch that is disposed at the base of the building*. Claim 28 has been amended here to clarify a *traction winch* around which the closed loop of cable is connected. Bruce does not teach or suggest the use of a traction winch in combination with the closed loop of cable.

MacDonald also does not teach or suggest Applicant's claimed combination of the closed loop of cable that is operatively installed around the pulley on the structure and the traction winch located in the area next to the base of the structure. In MacDonald, BB are guide ropes whose upper ends are attached to a bar A while the lower ends are attached one at each end of an ordinary windlass or drum C. Also, hung upon the bar A is a pulley D over which is passed a draft or traveling rope E. The lower ends of this rope are attached one to each of the opposite ends of a second drum F. The ends of the traveling rope E wind in opposite directions on the drum, so that when the drum is turned in one direction or the other one end of the traveling rope E will unwind from the drum F in exactly the same ratio as the opposite end of the rope is wound upon the drum. None of the ropes BB or E forms a closed loop. Also, the drum F acts as a drum winch, not a traction winch. Thus, it is clear that MacDonald does not teach or suggest Applicant's claimed loop of cable installed around the pulley and around the traction winch.

Independent claim 27 also stands rejected as being obvious over Bruce and MacDonald, and further in view of U.S. Patent No. 6,435,595 issued to Chenoweth ("Chenoweth"). According to the Office Action, Chenoweth shows a moveable pulley to enable adjustment in a cable loop, and that it would have been obvious to provide Bruce with a moveable pulley to enable adjustment in tensioning of its cable loop. Applicant, however, respectfully disagrees, because Chenoweth is directed to a retractable cover for an open-topped container such as a trailer or truck bed, whereas Applicant's claim 27 recites *a system for reaching an upper level of a structure*. Applicant's recited *moveable pulley around which a closed loop of rope is to be installed* is designed to be moved relative to the traction winch and pulley, *to increase tension in the loop so that a load suspended by the loop moves away from a side of the structure, and decreases tension in the loop so that the suspended load moves towards the side of the structure*. This type of solution is not suggested by the problems that are addressed in Chenoweth which focus on cable operated covers for open top containers. Accordingly, it would not have been obvious to modify the teachings of Bruce or MacDonald with those of Chenoweth to arrive at Applicant's claimed system for reaching upper levels of a structure.

Independent claims 1 and 28 also stand rejected as being obvious over U.S. Patent No. 1,069,088 issued to Taylor ("Taylor") in view of MacDonald. According to the Office Action, Taylor shows the entire claimed system with the exception of the closed loop and winch. To clarify, claims 1 and 28 have been amended to refer to a *traction winch* which is not taught or suggested by the drum winches used in Taylor and MacDonald. See also Taylor, page 1, left hand column, lines 45-51 ("In the drawings, 10 designates a suitable framework on which is mounted a suitable hoisting drum 11 adapted to carry cable 12. A motor 13 is mounted on frame 10 and is connected by gears 14 and 15 to the drum so as to rotate it to wind up the cable 12 thereon.") In addition, as mentioned above, it is submitted that MacDonald does not teach or suggest Applicant's system in which *a closed loop of cable is connected around the pulley attached to the structure or building and around a traction winch at the base of the building.*

Claim 27 also stands rejected as being obvious in view of either Taylor, MacDonald and Chenoweth, or Wahlefeld in view of Chenoweth. Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art to modify the scaling device of Taylor, and the fire rescue apparatus of MacDonald and Wahlefeld, with a mechanism that is used to adjust the tension in the cable of a cover apparatus for an open top container such as a trailer or truck bed.

Any dependent claims not mentioned above are submitted as not being anticipated or obvious, for at least the same reasons given above in support of their base claims.

It should be noted that not all of the assertions made in the Office Action, particularly those with respect to the dependent claims, have been addressed here, in the interest of conciseness. Applicants reserve the right to challenge any of the assertions made in the Office Action by the Examiner, with respect to the relied upon art references and how they would relate to Applicants' claim language.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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Margaux Rodriguez October 3, 2006